

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AUG 29 2006

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.)
RUSSELL TRUJILLO,)
Defendant.)

MATTHEW J. DYKMAN
CLERK

CR. No. 05-1849 JH

**STIPULATION FOR SUBSTITUTION OF
PROPERTY SUBJECT TO FORFEITURE**

The United States and Defendant Russell Trujillo, joined by his spouse, Sharon Trujillo, agree as follows:

1. The Superceding Indictment filed April 25, 2006, names certain property located at 7596 Corrales Road, Corrales, New Mexico as subject to forfeiture pursuant to 21 U.S.C. § 853(p). That property is described more particularly as follows: LOT NUMBERED TWO(2), CORRALES CLASSIC FARMS, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF ENTITLED "SUMMARY PLAT, LOTS 1 AND 2, CORRALES CLASSIC FARMS, SITUATE WITHIN THE TOWN OF ALAMEDA GRANT (PROJECTED), SECTION 14, T.12N., R.3E., N.M.P.M., BEING A REPLAT OF A PORTION OF TRACT 30 AND ALL OF TRACTS 31 AND 32, MIDDLE RIO GRANDE CONSERVANCY DISTRICT PROPERTY MAP NO. 14, VILLAGE OF CORRALES, SANDOVAL COUNTY, NEW MEXICO FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY NEW MEXICO, ON DECEMBER 11, 1992, VOLUME 3, FOLIO 1019-B, INSTRUMENT NO. 271. (Hereinafter referred to Lot 2).

2. Defendant Trujillo's residence is on Lot 2. This Lot is not only named as subject to

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forfeiture in the Superseding Indictment. The property also secures Mr. Trujillo's bond for his release pending trial. Lot 2 is encumbered.

3. Mr. Trujillo and his spouse Sharon Trujillo own an adjacent acre of property that is unencumbered but does not contain a structure. That property is described more particularly as follows: **LOT NUMBERED ONE (1), CORRALES CLASSIC FARMS, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF ENTITLED "SUMMARY PLAT, LOTS 1 AND 2, CORRALES CLASSIC FARMS, SITUATE WITHIN THE TOWN OF ALAMEDA GRANT (PROJECTED), SECTION 14, T.12N., R.3E., N.M.P.M., BEING A REPLAT OF A PORTION OF TRACT 30 AND ALL OF TRACTS 31 AND 32, MIDDLE RIO GRANDE CONSERVANCY DISTRICT PROPERTY MAP NO. 14, VILLAGE OF CORRALES, SANDOVAL COUNTY, NEW MEXICO, FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY NEW MEXICO, ON DECEMBER 11, 1992, VOLUME 3, FOLIO 1019-B, INSTRUMENT NO. 271. (Hereinafter referred to as Lot 1).**

4. To potentially preserve Lot 2 for his family, Mr. Trujillo desires to "substitute" Lot 1 for Lot 2 in the Superseding Indictment and post Lot 1 in lieu of Lot 2 as security for his release bond. The United States agrees to this procedure. The United States will release the *Lis Pendens* against Lot 2 and file a *Lis Pendens* against Lot 1. Mr. Trujillo agrees that Lot 1 will stand in place of Lot 2 and be subject to forfeiture in lieu of Lot 2 in the event that the Court orders forfeiture of Lot 2. Mr. Trujillo agrees not to advance any argument that the forfeiture of Lot 1 is procedurally improper.

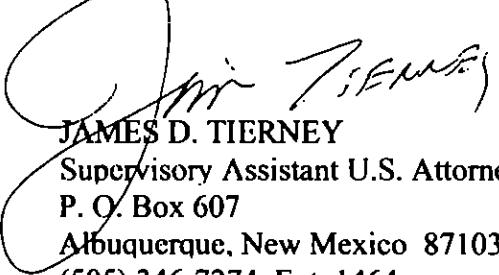
5. Sharon Trujillo agrees not to assert a third party property interest, including but not

limited to a community property interest, in Lot 1 in the event the Court orders the forfeiture of Russell Trujillo's right, title and interest in Lot 2. In other words, Sharon Trujillo voluntarily waives her right to assert a third party interest in Lot 1 pursuant to 21 U.S.C. § 853(n).

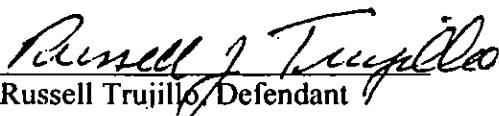
6. The undersigned counsel, by executing this Stipulation, certifies that counsel has fully read and explained it to Russell Trujillo and Sharon Trujillo, and that Russell Trujillo and Sharon Trujillo have executed it of their own free will and accord, with full knowledge of its content and effect.

AGREED:

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Russell Trujillo, Defendant


Sharon Trujillo, Spouse